

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3448, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 13, as follows:

[Roll No. 493]

YEAS—418

Abercrombie	Crowley	Hill
Ackerman	Culberson	Hilleary
Aderholt	Cunningham	Hilliard
Akin	Davis (CA)	Hinchey
Allen	Davis (FL)	Hinojosa
Andrews	Davis (IL)	Hobson
Armey	Davis, Jo Ann	Hoefl
Baca	Davis, Tom	Hoekstra
Bachus	Deal	Holden
Baird	DeFazio	Holt
Baker	DeGette	Honda
Baldacci	DeLauro	Hooley
Baldwin	DeLay	Horn
Ballenger	DeMint	Houghton
Barcia	Deutsch	Hoyer
Barr	Diaz-Balart	Hulshof
Barrett	Dicks	Hunter
Bartlett	Dingell	Hyde
Barton	Doggett	Inslee
Bass	Doolittle	Isakson
Becerra	Doyle	Israel
Bentsen	Dreier	Issa
Bereuter	Duncan	Istook
Berkley	Dunn	Jackson (IL)
Berman	Edwards	Jackson-Lee
Berry	Ehlers	(TX)
Biggert	Ehrlich	Jefferson
Bilirakis	Emerson	Jenkins
Blagojevich	Engel	John
Blumenauer	English	Johnson (CT)
Blunt	Eshoo	Johnson (IL)
Boehlert	Etheridge	Johnson, E. B.
Bohalla	Evans	Johnson, Sam
Bonior	Everett	Jones (NC)
Bono	Farr	Jones (OH)
Boozman	Fattah	Kanjorski
Borski	Ferguson	Kaptur
Boswell	Filner	Keller
Boucher	Flake	Kelly
Boyd	Fletcher	Kennedy (MN)
Brady (PA)	Foley	Kennedy (RI)
Brady (TX)	Forbes	Kerns
Brown (FL)	Ford	Kildee
Brown (OH)	Fossella	Kilpatrick
Brown (SC)	Frank	Kind (WI)
Bryant	Frelinghuysen	King (NY)
Burr	Frost	Kingston
Burton	Gallegly	Kirk
Callahan	Ganske	Klecza
Calvert	Gekas	Knollenberg
Camp	Gephardt	Kolbe
Cannon	Gibbons	Kucinich
Cantor	Gilchrest	LaFalce
Capito	Gillmor	LaHood
Capps	Gilman	Lampson
Capuano	Goode	Langevin
Cardin	Goodlatte	Lantos
Carson (IN)	Gordon	Largent
Carson (OK)	Goss	Larsen (WA)
Castle	Graham	Larson (CT)
Chabot	Graves	Latham
Chambliss	Green (TX)	LaTourette
Clay	Green (WI)	Leach
Clayton	Greenwood	Lee
Clement	Grucci	Levin
Clyburn	Gutierrez	Lewis (CA)
Coble	Gutknecht	Lewis (GA)
Collins	Hall (OH)	Lewis (KY)
Combest	Hall (TX)	Linder
Condit	Hansen	Lipinski
Conyers	Harman	LoBiondo
Cooksey	Hart	Lofgren
Costello	Hastings (FL)	Lowey
Cox	Hastings (WA)	Lucas (KY)
Coyne	Hayes	Lucas (OK)
Cramer	Hayworth	Lynch
Crane	Hefley	Maloney (CT)
Crenshaw	Herger	Maloney (NY)

Manzullo	Pickering	Smith (TX)
Markey	Pitts	Smith (WA)
Mascara	Platts	Snyder
Matheson	Pomeroy	Solis
Matsui	Portman	Souder
McCarthy (MO)	Price (NC)	Spratt
McCarthy (NY)	Pryce (OH)	Stark
McCollum	Putnam	Stearns
McCrery	Quinn	Stenholm
McDermott	Radanovich	Strickland
McGovern	Rahall	Stump
McHugh	Ramstad	Stupak
McInnis	Rangel	Sununu
McIntyre	Regula	Sweeney
McKeon	Rehberg	Tancredo
McKinney	Reyes	Tanner
McNulty	Reynolds	Tauscher
Meehan	Riley	Tauzin
Meek (FL)	Rivers	Taylor (MS)
Meeks (NY)	Rodriguez	Taylor (NC)
Menendez	Roemer	Terry
Mica	Rogers (KY)	Thomas
Millender-	Rogers (MI)	Thompson (CA)
McDonald	Rohrabacher	Thompson (MS)
Miller, Dan	Ros-Lehtinen	Thornberry
Miller, Gary	Ross	Thune
Miller, Jeff	Rothman	Thurman
Mink	Roukema	Tiahrt
Mollohan	Roybal-Allard	Tiberi
Moore	Royce	Tierney
Moran (KS)	Rush	Toomey
Moran (VA)	Ryan (WI)	Towns
Morella	Ryun (KS)	Traficant
Murtha	Sabo	Turner
Myrick	Sanchez	Udall (CO)
Nadler	Sanders	Udall (NM)
Napolitano	Sandlin	Upton
Neal	Sawyer	Velázquez
Nethercutt	Saxton	Visclosky
Ney	Schaffer	Vitter
Northup	Schakowsky	Walden
Norwood	Schiff	Walsh
Nussle	Schrock	Wamp
Oberstar	Scott	Waters
Obey	Sensenbrenner	Watkins (OK)
Oliver	Serrano	Watson (CA)
Ortiz	Sessions	Watt (NC)
Osborne	Shadegg	Watts (OK)
Ose	Shaw	Waxman
Otter	Shays	Weiner
Owens	Sherman	Weldon (FL)
Oxley	Sherwood	Weldon (PA)
Pallone	Shimkus	Weller
Pascarell	Shows	Wexler
Pastor	Shuster	Whitfield
Payne	Simmons	Wicker
Pelosi	Simpson	Wilson
Pence	Skeen	Wolf
Peterson (MN)	Skelton	Woolsey
Peterson (PA)	Slaughter	Wu
Petri	Smith (MI)	Wynn
Phelps	Smith (NJ)	Young (FL)

NAYS—2

NOT VOTING—13

Paul	Pombo	
Bishop	Delahunt	Luther
Boehner	Dooley	Miller, George
Buyer	Gonzalez	Young (AK)
Cubin	Granger	
Cummings	Hostettler	

□ 1614

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on the bill, H.R. 3338, and that

I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 3338, be instructed to insist on the maximum levels within the scope of conference for defense, homeland security, and local recovery efforts from the terrorist attacks of September 11, 2001; in particular, to insist on:

(1) the House position for higher levels for defense, including fully funding the \$7.3 billion requested by President Bush as emergency spending for defense;

(2) the Senate position for higher levels to counter potential biological and chemical terrorist threats (including additional funds to improve State and local capacity to track and to respond to bioterrorism, to purchase smallpox vaccine, and to sanitize mail and protect postal employees and customers from exposure to biohazardous material);

(3) the Senate position for higher levels to increase staff to combat terrorism along the Nation's borders and ports of entry, to improve food safety, to assist state, local and federal antiterrorism law enforcement, to accelerate nuclear non-proliferation activities, and to enhance security for nuclear labs and plants, and other federal facilities;

(4) the higher of either the House or Senate provisions for transportation security, including the higher Senate level for cockpit security, the Senate higher funding for the Coast Guard, the Senate provision to compensate airports for the costs of implementing stronger security requirements and the higher House level for hiring sky marshals;

(5) the Senate position for higher levels for FEMA disaster relief payments for recovery activities in New York, Virginia and Pennsylvania, Community Development Block grant assistance, Payments to hospitals that responded to the attacks of September 11, 2001, assistance in meeting workmen's compensation needs related to the terrorist attacks, funding for improved security in the Amtrak tunnels in New York, assistance to the ferry system between New York and New

Jersey, and to reimburse claims for first response emergency service personnel who were injured, disabled or died in the terrorist attacks.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 30 minutes and the gentleman from Florida (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the House has a decision to make today which in the real world would have a real effect on virtually every American. We have to face this question:

Are we going to provide money now to tighten security on our borders, in our ports, on our airplanes, or are we going to wait?

Are we going to provide the public health services and local governments with money now to defend against bioterrorism, or are we going to wait?

Are we going to accelerate our efforts to protect nuclear, biological and chemical weapons from falling into the wrong hands in the former Soviet Union now, or are we going to wait?

Are we going to clean up our mail, or are we going to wait?

Are we going to give the Nation's Federal, State and local law enforcement officials the additional resources they need to find al Qaeda cells operating in this country, or are we going to wait?

There are people downtown who would like us to wait. They want to take the time to study these problems. They want to participate in these decisions. Perhaps they want credit for being part of the solution. That is all fine. We need their thoughts. We need their input. We need them both. Now. We are glad to give them credit, but we cannot wait. We are in a race against time. All you have to do to understand, that is, to look at the headlines every day in the newspaper, look at the pictures on your television, and listen to what our enemies say. We may have an enemy that is wounded, but they are not destroyed. They are as dangerous now as they have ever been. And while we need to do all that we can do to defeat them overseas, we have to be equally aggressive at blocking their efforts here at home.

This motion is very simple. It would instruct the conferees to maintain the House position on defense which is \$5.3 billion higher than the Senate's figure; it would insist that the conferees support the Senate position on homeland security which is \$2.7 billion above the House bill; and it would instruct the conferees to support the Senate position for funds to help recover from the attacks of September 11, an additional \$2.6 billion above the amount in the House bill. There is only one way that that can happen. Everyone here needs

to understand that this instruction will put the conference at least \$5.3 billion above the House-passed bill.

Members may try to pretend that they cannot add, but numbers are stubborn things. If you want to tell the conferees to stay within the \$20 billion limit that the House Republican leadership has mandated, then you had better vote against this instruction, because this instruction breaks that limit by at least \$5.3 billion, and I make absolutely no apology for that in any way whatsoever. We cannot have it both ways. You cannot spend the same money twice.

In fact, Members need to understand that this bill, in fact, will be a little bit above \$5.3 billion above the House bill because we take the Senate number on sky marshals which is higher than the House number is.

I would urge Members to vote for this motion to instruct because it is the right thing to do, it puts the security of the country's home front first, it recognizes that we have additional costs in running the war as well, and it forthrightly admits that this is now the time to pay for them rather than putting it off to another more convenient day. I do not think our adversaries will wait for whatever actions they contemplate. We have an obligation not to wait, either.

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I rise in support of the motion to instruct.

While we have made improvements to transportation security since September 11th, we must do more. This motion directs the House conferees to seek the higher funding levels for transportation security programs.

The tragedies of September 11th happened because terrorists were able to enter the cockpits of four airplanes. Unfortunately, the House bill contains only \$50 million for cockpit door improvements. The Senate bill contains \$251 million for cockpit door improvements, much closer to the Administration's request of \$300 million. This motion instructs the House conferees to accept the Senate funding level.

Today, the airlines have made some improvements so that cockpit doors cannot be as easily broken into, such as the strengthening of bolts. The President proposed \$300 million so that modifications can be made to secure the cockpit door in such a way as to permanently prevent an intruder from entering the cockpit door.

The funding included in the Senate bill would be provided to airlines to ensure that all aircraft cockpit doors are modified as quickly as possible. This funding should be included in the conference bill.

The House bill provides additional funding for more federal air marshals, where the Senate bill contains no such funding. The Administration has made good progress in increasing the number of federal air marshals, and the House bill would provide for a further increase. It is important to public safety and

confidence that we bolster their numbers to the greatest extent possible. This motion would instruct the House conferees to insist on the House funding for more air marshals.

The Senate bill also provides additional funding to our nation's airports to meet additional security needs.

Since September 11th, the Federal Aviation Administration has imposed additional security requirements on our nation's airports, and rightly so.

Increased patrols of ticket counters, baggage claim areas, and screening checkpoints have been mandated, as has increased inspections of controlled access points and the areas outside the airport. Airports have also been required to re-issue all airport identification and verify such identification at all access gates.

To meet these additional requirements, the airports have incurred additional costs, primarily for additional law enforcement officers and overtime.

The American Association of Airport Executives estimates the cost of these additional requirements to be about \$500 million this year. These increased costs come at a time when airports are losing money. The airports estimate the total revenue decrease to be \$2 billion in 2002, or 20 percent of estimated revenue.

The Senate bill includes \$200 million to assist airports in meeting the costs of the increased security requirements mandated by the FAA. This motion instructs the House conferees to accept this funding level.

The Senate bill also includes a total of \$285 million for the Coast Guard, compared to the House level of \$145 million. The higher funding level in the Senate bill is needed so that the Coast Guard may continue its current, increased level of operations, and further expand its port security activities.

Since September 11, Coast Guard port security operations have increased substantially. The Coast Guard is now patrolling ports and checking crew lists of those entering our ports. Much more needs to be done to enhance port security, but what the Coast Guard has done is a good start.

These current Coast Guard operations should not be reduced; and the funding provided in the Senate bill will ensure that they are not. This motion would instruct the House conferees to accept the Senate's higher funding for the Coast Guard and port security.

In closing, let me say that this motion to instruct is the right one. It addresses the security needs of this country and the traveling public. We should do no less.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I want to say at the outset that I congratulate the gentleman from Wisconsin for the work that he has done on this issue. We have had this discussion between the two of us. We have had this discussion with the President of the United States. We have had this discussion at the Committee on Appropriations. And we had this discussion on the floor of the House when we passed the bill.

I would like to say, Mr. Speaker, I do not disagree with the needs that the gentleman from Wisconsin has pointed out here. If you recall, on September 14, the House, with the gentleman from Wisconsin and I working closely together, passed an emergency supplemental of \$40 billion right after the attacks on the World Trade Center and the Pentagon. The same day, the Senate passed the bill and we actually conferred that bill and passed a conference report, all on the same day. So we moved quickly. We have proved that we can move quickly when it comes to the defense of our Nation and the protection of our citizens.

I want to make the case that of the \$40 billion emergency supplemental, most of the money has not been allocated yet. In that \$40 billion, the first \$20 billion that the President had control over plus what the House did in our supplemental, there is \$21 billion for the Defense Department to prosecute the war. Will it take more than that? Very likely.

We do not require that money today, but we are going to provide whatever is necessary to complete that war in Afghanistan and anyplace else that we might have to go to seek out and destroy the terrorist cells that pose a threat to the United States of America and to our people and our interests, wherever they might be. We are going to provide whatever it takes to make that happen. We are not going to allow Americans to live in fear, and we are not going to allow our places and our properties to be attacked. That is pure and simple.

On the issue of biological and chemical terrorist threats, we need to be concerned about that, and we are concerned. This Congress several years ago began providing the preparation and the research necessary to combat any biological and chemical threat, but more needs to be done. In the House bill together with the President's \$20 billion package, there is already \$2.2 billion. One of the most important things that we need to do is guarantee that our ports of entry, that our borders, are protected. We provide about \$700 million immediately to begin to hire and train the people who would provide that security.

As for transportation, The United States of America, without transportation is in deep trouble. Economically and every other way, from the national defense standpoint, our transportation systems must be safe. We provide funding for the hiring of sky marshals and to train them and to implement stronger security requirements at our airports and our other transportation stations.

□ 1630

We have \$1.2 billion already here to begin that process.

We need to assist our State officials, local officials and Federal officials who

deal with the antiterrorism law enforcement. We have \$400 million to begin that process already in the bill.

Nuclear nonproliferation activities are very important. We have money in our regular bills for this purpose. We add another \$100 million in the package that we present today.

To the City of New York, we have all made commitments to the City of New York. We are going to keep them. The President agreed to a \$20 billion package for New York, and we immediately agreed to that; and it was put into our \$40 billion emergency supplemental. Already in the package that we present, \$10 billion is made for the City of New York. We are doing all of these things at the present time.

Now, we could take the package of the gentleman from Wisconsin (Mr. OBEY), and, frankly, I would have liked to have supported it all the way through the process with the President, the leadership, the committee, and lastly, on the floor. But we agreed to a \$20 billion limit on the supplemental, and that is the only difference that I have with the gentleman from Wisconsin (Mr. OBEY) on this motion to instruct today.

We are going to do the items that the gentleman from Wisconsin (Mr. OBEY) identifies, because he and I have gone over these items already, and I agree with what he is suggesting. The only difference we have is timing.

The President of the United States has said that he will request an emergency supplemental at the moment that it is needed, when we do not have enough money already in the pipeline to provide the things that we are talking about here to secure our Nation. Our leadership has promised that when that request is made available to us it will be presented immediately.

As chairman of the Committee on Appropriations, I have made the commitment over and over again that I will move that supplemental appropriations bill just as soon as I possibly can after we receive the information and the request from the President of the United States, who is leading the battle to secure America, who is leading the battle to seek out the perpetrators of terrorism, and to do away with their ability to threaten us at any time in the future.

The President is the leader. Congress is important, we are in a support role in this issue; but we cannot all run that war. That is why we have a Commander in Chief as proposed by the Constitution of the United States.

So, Mr. Speaker, today I am going to accept the gentleman's motion to instruct, with that reservation that we are going to try to do as much as we possibly can on that motion within the \$20 billion limit, and that we will address the additional amounts at whatever moment they are identified as being required.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, what we just heard from my good friend from Florida is that he is going to accept this amendment, which requires the conference committee to report back with a bill which is \$5.3 billion higher than the \$20 billion ceiling to which he has just referred, and yet he has suggested that somehow he is going to reserve the right to come back still under that \$20 billion cap. One cannot do both at the same time.

Now, I sympathize with the gentleman, because I know he is personally in favor of what we are trying to do. So are many other Members on the Republican side of the aisle. They have told me that. His problem is he has been ordered by his leadership, no matter what, to stay under the \$20 billion ceiling.

He knows he cannot win a vote against this motion, and so he is accepting it to try to leach all meaning from the vote. Yet you cannot hide from the fact that this motion to instruct says we should ignore the \$20 billion artificial limit and meet the legitimate security needs of this country, both in the defense budget and in homefront defense. That is what this motion says.

If people want to try to play it both ways, I understand the gentleman's dilemma, but that does not make his position any more real.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I think in fairness to the gentleman from Florida, my friend misheard him. I do not always speak with perfect diction. I understand when people mishear people.

You said you think he said he would accept it, A-C-C-E-P-T; he said he would except it, E-X-C-E-P-T. That means he is going to vote for it, except for the money for the Defense Department; he is going to vote for it, except for the money for New York; and he is going to vote for it, except for the money for domestic homeland security.

So, if the gentleman had said he was going to accept it and simultaneously disregard it, you would be perplexed; but if you had understood him correctly as saying he is going to except it and do everything except what it says it is supposed to do, the perplexity would be gone.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think what the gentleman is pointing out is there is a word game going on here, and the fact is this is too serious for games. The gentleman from Florida is right in his heart. He knows we need this money. He knows we need it now.

He knows that we need new border guards now, not in 3 months. He knows

we need greater security at the FBI, the NSA and a number of other national security agencies. He knows we need it now, not later. He knows that we need a far greater protection for public health than we have right now. He knows that right now we are not prepared for chemical or biological attacks in most of the municipalities in this country.

He knows all of that, but he is being required by his leadership to pretend that this motion to instruct does not in fact vitiate his leadership's instructions, because his leadership knows and he knows they cannot win a vote on the merits, because there are too many responsible Republicans who recognize that this money is needed and it is needed now.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the motion to instruct. I opposed the House version of this bill precisely because it failed to live up to the House's commitment and in fact repealed the requirement in the original supplemental bill that we had earlier passed to provide at least \$20 billion in relief and recovery costs to the victims of the September 11 attack and to the people of New York, Virginia, and Pennsylvania.

Thankfully, we still have a chance to improve the bill and increase funding for areas of critical need, and that is why we should support this motion to instruct.

Now is not the time to artificially cap the costs of this crisis. If it costs more than \$40 billion, we ought to provide more. We should not be bound to an artificial limit that was agreed to 3 days after the attack.

Today we know that in fact we do need more funds to help New Yorkers, to aid small businesses, to protect against chemical and biological attacks and to substantially increase our national security.

Some say we in New York do not need more funds than provided in this bill now; but we do, now. Yes, sufficient funds are flowing for the cleanup and the physical reconstruction, but not for the 100,000 people who lost their jobs as a direct result of the attack; not for the 10,000 small businesses at risk in Lower Manhattan.

The Small Business Administration is proud it has given out over 17,000 loan applications, but it has made only 360 loans. Our small businesses need help, cash grants, now. Next spring will be too late. They may not exist by next spring.

Let us pass this motion to instruct. Let us live up to our commitments and let us be proud to support a bill that meets the desperate needs of our constituents and the desperate needs of our country. I urge support for the motion to instruct.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I listened with great interest to my friend from Massachusetts, to the points he made. I am sure he believes he made a real powerful point, but I have not been able to figure out what it was yet.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, my point was that it would be confusing if the gentleman had accepted the motion and simultaneously disregarded it. So it seemed to me what he was saying was he intended to make exceptions to it, and that "acceptance" and "exception" got confused, because the gentleman said he was going to vote for a motion which required additional spending which he then said he planned to oppose.

Since that would not have made any sense, I tried to follow the principle that you try to listen to what people say and you try to make some sense out of it.

Mr. YOUNG of Florida. Okay. Mr. Speaker, I appreciate the gentleman reexplaining that.

Mr. Speaker, we have to be real. The other body had this issue of appropriating money over the \$20 billion. Because it went over the \$20 billion, it was subject to a point of order and it required a 60-vote margin to overcome the point of order. The vote was 50-50, and that 50-50, I would suggest, is going to stay in the Senate regardless of what we might do here today and what we might do in conference. So I am just trying to be helpful and friendly here. The gentleman from Wisconsin (Mr. OBEY) is very well aware of the fact that I want to be helpful. We are going to do the very best we can in this conference.

The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have developed an outstanding defense bill for the \$317 billion basic defense bill. Most of our differences in conference will be over this \$20 billion emergency supplemental package that is attached to the defense bill as an amendment.

We are going to do the best we can, but I will guarantee you we are not going to leave something undone that needs to be done today, because there is more flexibility in monies that have already been appropriated.

So I say that we will support this today, and we are going to do the best we can in conference to accomplish what the gentleman from Wisconsin (Mr. OBEY) wants to accomplish; but before it is over, we will have provided whatever is needed to secure the United States of America and to allow the President to run this war and make sure that he has the money when it is needed to do that.

None of us are going to be satisfied if something is undone, if something is not done, if some security measure is not taken care of because of a lack of money. We are going to provide whatever is necessary to fight terrorism, to guarantee that the terrorists do not have an opportunity to attack America again or our friends or our allies or our interests, wherever they might be.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to note that if anyone votes for this motion today, they are accepting the obligation of the conferees to report back a bill which is \$5.3 billion higher than the bill as it left the House.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the distinguished ranking member of the Committee on Appropriations Subcommittee on Defense.

Mr. MURTHA. Mr. Speaker, the dilemma we are caught in here, and the gentleman from Florida, the gentleman from Wisconsin, the gentleman from California, all of us know this, is we have an agreement with an artificial cap, and we have to try to meet the needs of the war while this is going on.

We know that in the amendment that we have offered we can speed up the renovation of the Pentagon. We know we can speed up some of the weapons systems; and some people would say that with the phenomenal increase already, we do not need any more. But some of the problems we are trying to solve have gone on for years.

For instance, we are trying to figure out a way to replace tankers. We run into the artificial ceiling. The tankers are worn out. We are using them every day. Some of those flights today have to be refueled four or five times by the time they get to Afghanistan and back. Yet we cannot buy the tankers, so we are probably going to have to lease them, if we finally agree; and we have been resisting this on the House side. But if we agree, it will cost us \$7 billion or \$8 billion more in order to lease them rather than buy them. So we have put ourselves in a dilemma.

I realize the Speaker and the President have made an agreement, and I would hope at some point we can convince them. I worry that last year, the supplemental, we kept thinking it was going to be up here, we kept urging him to bring it up. We all called for him to send the supplemental up, and they waited forever. I would hope they would get a supplemental to us as soon as possible, because we only have like 12 legislative days from January to the end of March. So we really are in a box in the sense that while the war is going on, unless they send a supplemental up that we can act on, we will have them doing the same thing they did last year, reaching into other processes in order to get the money.

So we have some real problems here that we have to solve. I know the reason that the gentleman from California (Chairman LEWIS) decided that he could not support extra money is because when the President said he is going to veto the bill, he would veto the bill. I know that is a problem. We have this artificial ceiling we have to deal with, but I hope at some point we can convince the President and the Speaker that we really do have a problem here.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

□ 1645

Mr. LEWIS of California. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I have been concerned about our crossing that line of the agreement, because it conceivably could lead to a veto, but I think the gentleman's motion today is very helpful in connection with that, because it, indeed, is very possible that the other body will come in with a lot less in that package than we have, and if there is a statement here that suggests that we really know what we would prefer to have move, that may very well cause the administration to bring us back for a supplemental much earlier. So I feel very comfortable with this discussion and I hope we go forward positively.

Mr. MURTHA. Mr. Speaker, reclaiming my time, I just hope that when Members vote on this, they will understand that we need more money in homeland security. We need to speed up the process of getting teams to combat biological and chemical warfare out; we need money for the borders; but we also need money for operational money and the war. I know we will take care of the immediate needs, but I worry about the supplemental, and I hope we are putting the executive branch on notice that they need to send us a supplemental as soon as possible, that they do not wait around and let those experts at OMB decide when the supplemental is sent up.

So I would just urge the Members to vote for this motion and, hopefully, in the subcommittee, we will be able to work the best we can under the artificial limitations we have, and then they will understand that we need more money and get the supplemental up as quickly as possible.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

I rise to agree with the gentleman from Pennsylvania (Mr. MURTHA). He is one of the best national defense experts that I know anywhere in the House or the Senate, or at the Pentagon, as a matter of fact. He is right. He mentioned the tankers. There is no doubt that our tankers have been worn out.

Our AWACS, we actually have foreign AWACS flying around the United States protecting our major cities. There is no doubt we have a lot of needs.

But I also agree with the gentleman that we should have a supplemental as early as we possibly can. He mentioned how slow the administration was last spring getting us a supplemental and, again, he was right. But that was pre-war. When that supplemental came down, it was before September 11. After September 11, we took up the emergency supplemental, passed it in the House, the Senate, and conferenced it all on the same day. So we can move quickly when the security of our Nation is at risk.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, nuclear terrorism is a serious threat to our Nation and our families, but this Congress is not acting like it. Inexplicably, in the waning hours of this session of Congress, we will have spent less on nuclear nonproliferation this year than we did last year.

Considering the consequences of September 11, considering all that we have learned in recent weeks since then about even al Qaeda trying to get its hands on nuclear materials which could, in effect, kill millions of American citizens in one nuclear incident, I just cannot understand how we can go back home to our constituents and say we should be spending less to protect them from the potential holocaust of nuclear terrorists.

President Bush recently said that preventing nuclear terrorism should be a top national priority. I agree. The President is right. I think today it is time we start following through on that belief.

We have had enough rhetoric about dealing with nuclear terrorists. Tonight, in this Obey motion, we need to actually take concrete action to prevent it. We must decide whether we just want to talk about stopping nuclear terrorists or really want to prevent them. I believe we have an obligation to our constituents and families and, yes, even our children and grandchildren to do everything possible now, not next year, not the year after, to do something now to stop a nuclear holocaust in our country.

How serious is this threat? Well, this year, former Senator Sam Nunn and Howard Baker, a Democrat and a Republican together, after a year-and-a-half study concluded, and I quote, that "Nuclear terrorism is the most urgent unmet national security threat to the United States."

In my opinion, as of this moment, this Congress has failed in our serious responsibility to the American people

to take responsible, effective, proven steps to keep nuclear materials away from terrorists.

Nobody in this House or this country would intend to help nuclear terrorists, but I would suggest that we have to do more than just talk against them; we have to fund the programs that help protect nuclear materials from these kinds of people.

The Obey motion that we will vote on in just a few moments will add over \$220 million to proven, effective programs that our Department of Energy has carried out in Russia to protect Americans from nuclear holocaust.

The question of timing has been raised. Well, let us just wait until next year. The President will have a proposal, let us fund it then. If that is what happens, I hope and pray that that will be soon enough. But taking action next year will not do Americans and future generations any good if grapefruit size of nuclear material needed to kill 2 million Americans is stolen next month or in the next several months. We must support this Obey motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), a subcommittee chairman on the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I thank the gentleman for yielding me time.

This discussion is a bit difficult to follow. The gentleman from Wisconsin (Mr. OBEY), the leader of the minority on this issue, offers a motion to instruct. Our chairman, the leader of the majority on this issue, accepts. But what does this really mean? Well, I would submit that it means nothing, because we are not instructing the Senate; the Senate is instructed by the Senators. We are instructing the House conferees. Since there is no controversy over the defense bill, the only thing we are instructing the conferees on is the supplemental.

Now, who are the conferees? Well, they just happen to be all here today at the same time in the same room: the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. LEWIS), and the gentleman from Florida (Mr. YOUNG.) They know how they are going to vote, clearly. So who are we really instructing? What is this exercise all about? Polemics? Politics? I am not sure.

The fact is, the President has made the point over and over again. The supplemental will not go over \$20 billion. It took me a while to figure that out. I offered an amendment in the Committee on Appropriations to add money to this. We lost the amendment. The House decided not to go over \$20 billion, and we did not. The Senate, reacting to what the House did and what the President said that he would do, also did not go over the \$20 million. I submit to my colleagues, Mr. Speaker,

that the conference will not go over \$20 billion either.

Now, there are a couple of problems with what has not happened. We have not helped workers with unemployment insurance benefits or their health benefits. If the Senate majority leader, Mr. DASCHLE, would stop obstructing the stimulus package and let that bill go forward, we could deal with the really vital issues that need to be dealt with in this bill.

So, Mr. Speaker, I would submit that we need to move forward on this bill and we need to have this conference and we need to get these expenditures resolved quickly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will remind all Members not to urge Senate action or inaction on any matter.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman asked what this is about. It is very simple. What this is about is the fact that thousands of Americans died 3 months ago because the country was hit by terrorists in an unexpected way. What this is about is trying to see to it that that does not happen again. That is what this is about.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to rise in very strong support of this motion. As I understand it, we would go to the higher levels and, in that case for defense, it would be additional; we would go back to the \$7 billion that was in the House bill.

In my judgment, we desperately need that money for defense and national security. One of the things that came out at our hearings this year, led by the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), is that each of the services told us that they were somewhere between \$10 billion and \$12 billion short on money for procurement of new weapons systems to recapitalize our force. This is something that I am very concerned about, because in each of these wars that we have had, Desert Storm, Desert Shield and Kosovo, now Afghanistan, we have heavily used this equipment. It is getting older. It is going to have to be replaced.

Unfortunately, one area where the Clinton administration did not do enough and, in fact, the Bush administration is a little below them this year in the 2002 budget on procurement, is in the area of buying new weapon systems. The CNO of the Navy testified that in order to maintain a 300-ship Navy, he has to buy 10 ships a year. The budget only allows him 5. In order to maintain and reduce the age of the aircraft, the attackers coming off those carriers that we see operating and flying into Afghanistan, he has to acquire

180 to 210 planes a year. He is only able to buy 81.

So if we continue to reduce the money in this supplemental for defense, we are going to have problems equipping the force and doing the things that are essential.

I just hope that this Congress can work with this President and, during this war, add the additional money that is necessary to recapitalize our forces. I think it is the number one defense priority. We are doing a good job on readiness. We are helping our troops with adequate pay increases and health care, but what we really are failing to do is to get the new equipment that they will be using. I worry, as we saw one of the B-1s lost today, and we are pleased to hear that the pilots were able to bail out and I think are safe, hopefully. But it is that kind of problem that will occur if we do not do a better job of modernizing and, therefore, I hope we can save this \$5 billion, and I support the Obey motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Subcommittee on Defense of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I have stated in the well before that the two committees which are the best to serve on is the Subcommittee on Defense of the Committee on Appropriations, and when I served on the Authorization Committee with the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) and those guys, but also the Permanent Select Committee on Intelligence. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Washington (Mr. DICKS) know that yes, we need funds. We need them desperately, not just for our forces, but we need them for homeland defense also.

My point is, why are we here in this position? Why are we here today asking for more and more money? Eight years of the Clinton administration and 124 deployments has nearly devastated our military. The cruise missiles, we do not have JDAM kits for precision-guided weapons today. We have 37 ships tied up that we cannot repair with deferred maintenance.

Mr. Speaker, 124 deployments. Look at Haiti. Most people have seen Blackhawk Down. We got our rear-ends kicked out of there and we lost 19 rangers in the process. We got our rear-ends kicked out of Somalia, 5 times in Iraq, bombing an aspirin factory in the Sudan. All of these different deployments put us over \$200 billion in debt for defense. And guess what? At the same time we deployed in defense, our national security forces, our CIA, our FBI, they also have not been able to modernize. Those accounts are deficits. Those accounts are low.

Now, we find ourselves not only in a war in Afghanistan, but here in the home front. We cannot make up \$200 billion plus like this. Now we are asking to go \$5 billion above the \$20 billion, and then another \$20 billion. That is no small change. And to do that, yes, we have a bill coming up before long that is called Medicare. We have a bill coming up called Social Security and the Social Security Trust Fund.

□ 1700

We are going to want money there. But we cannot keep deficit spending on all of these; and yes, there are priorities. The condition we are in right now of having to build ourselves out of this hole is going to take a while. We cannot spend all this money; we cannot spend \$20 billion, in 3 months. We will spend it as we need it, and with the supplemental coming down the line.

If we try to do it now, we have all this money; and a lot of it is going to go where the gentleman and I do not want it to go.

Mr. DICKS. Mr. Speaker, if the gentleman will yield further, the gentleman would not argue that we are not short of the procurement dollars that are needed to modernize the forces, would he? Would the gentleman not agree with that?

Mr. CUNNINGHAM. Mr. Speaker, I think that is exactly what I said. But the reason we got here is because 124 deployments in the last years of the Clinton administration have nearly destroyed our military, and we cannot bail ourselves out of it.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, there are several oddities being announced today. One is that when we know we are going to need more money, we should not, in the basic budget bill, vote all that we are going to need, but we should hold some back for a supplemental.

I had thought the purpose was, when we were pretty sure we were going to need money, to vote that at the outset so there could be intelligent planning on the part of those receiving it, and reserve a supplemental for something unexpected. We are told here, yes, you are right, we need this money; but let us not do it in the overall budget bill. Let us wait for a supplemental. Why? Because the President does not want it.

That is really quite striking. That is the second interesting constitutional point. The gentleman from Florida (Mr. YOUNG) said the President leads and we support. In terms of the deployment of troops and the command in the field, of course that is the case. But in terms of allocation of resources, this is a very odd constitutional theory, that

it is somehow inappropriate for Congress to say to the President, we think you need more money. It is a good thing Harry Truman did not believe that during World War II when he did such a good job of oversight.

Apparently, there is this new theory that once the President says something, that is it, that our job is simply to do what he wants. Pretty soon, under that theory, the only place we are going to find checks and balances around here is in the Members' bank accounts, because we have this view that says that whatever the President wants we have to accept.

By the way, there is reason to question the President's judgment. I know that is considered now to be, by John Ashcroft, somewhat treasonous, but the fact is, the President's judgment seems to be flawed.

All last year, I heard Candidate Bush and Candidate Cheney talk about how weak and pitiful the American military had been. We heard again from the gentleman from California that the American military had been reduced to a state of pitiful decrepitude.

So I have a question: Where did that wonderful military come from that just did such a magnificent job in Afghanistan, while it was simultaneously maintaining forces in Korea, in the former Yugoslavia, and continuing to bomb Iraq? In fact, the denigration of the military, which was the theme song of the Republican ticket last year, has just been very effectively refuted by the wonderful performance of that military in Afghanistan.

Now having performed that way, there is a need to replenish. Apparently, what we are told is yes, we do need to replenish them, we know that, it is foreseeable; but let us not do it in the basic budget bill because the President does not want us to, because Mitch Daniels will yell at him; and, therefore, let us do a supplemental.

It is not a sensible way to budget; it is not a sensible way to conduct legislative affairs; and it is not a sensible way, in my judgment, to try and spend money efficiently. If we think the military is going to need more money, let them have it at the outset. Let us do homeland security at the outset.

The supplemental is meant to be a way of taking care of unanticipated needs; it is not supposed to be a way to show congressional submission to an all-powerful executive which feels it would be inconvenient to spend now what it knows it is going to have to spend.

I hope that the resolution is adopted, and that it is in fact conscientiously carried out by those who vote for it.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I do not think we are as far apart on this as it seems. We all understand what the requirements are. Mainly, we are talking about timing.

What I suggest is we get about this conference report and bring it back to the floor so that the House can complete it on next week. The gentleman from California (Mr. LEWIS), as chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. MURTHA), as the ranking member, have done an outstanding job in preparing an excellent bill.

Are there other requirements? Absolutely. I can tell the Members, we talked about the tankers, wearing out that fleet; we talked about the AWACs. An awful lot of our combat aircraft are in the hangars being used as a source of spare parts. Because of all the deployments that the gentleman from California (Mr. CUNNINGHAM) mentioned, we are in fact wearing out much of the equipment of our military.

On the other hand, the bill that we are debating today is \$317 billion. That is a lot of money. We have said that when additional money is needed over and above that, we are going to make it available. Who better knows than the Commander in Chief of the Armed Forces what they need to conduct the war in Afghanistan, or wherever that war might take us, to eliminate the threat of terrorism, to disrupt the ability of terrorist organizations to threaten the United States of America?

Mr. Speaker, I would just suggest to my friend, the gentleman from Wisconsin (Mr. OBEY), and I complimented the gentleman from California (Chairman LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), and I would not only compliment but thank the gentleman from Wisconsin for how we have worked together on all of our bills. We have worked together extremely well. We have worked together very well on this bill.

The gentleman from Wisconsin and I made a strong presentation to the President. The President made a final decision, as Commander in Chief; and that is the decision that we are working with today.

So now we are at the point where the gentleman from Wisconsin (Mr. OBEY) has made a motion to instruct the conferees. I have already said that we are going to accept that motion, so I just ask the gentleman from Wisconsin (Mr. OBEY) to take "yes" for an answer.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the question before us is very simple: What is more important, to adhere to an artificially imposed \$20 billion spending ceiling on national security-related items, or to do what we think is necessary today to deal with our vulnerabilities?

We are told by the majority Members, wait until next year. In my view, that is a slogan more befitting a Chicago Cubs fan than it is a Member of Congress.

If we take a look at what my good friend, the gentleman from California (Mr. CUNNINGHAM), has said, he said that we have urgent military needs; yet we are being told that those needs have to be sacrificed to that \$20 billion ceiling that we supposedly agreed to.

There is no such ceiling. That ceiling is a fiction. When we agreed to supplemental funding requests after the events of September 11, we all agreed, and the President, the gentleman from Florida (Mr. YOUNG), and I are all on record publicly as admitting that that was simply a downpayment. It was not a final ceiling; it was a downpayment on meeting future needs. The needs are obvious. Members on both sides of the aisle know it.

We are told we are supposed to wait. We are told that this money cannot be used now. Not true. We can hire more border guards now. We have had over 600 of them already cleared by the agency. They are just waiting to get the authority and the money to hire them.

We can give the FBI a modern computer system now. Right now they have computers that cannot even do pictures. If they want to send a picture of a suspected criminal from one station to another across the country, at least one-third of their computers do not have the capacity to do that. And we are asked to wait? Give me a break.

We can improve the percentage of imported food that is inspected at our borders now. Only 1 percent is inspected right now. Yet we are told that somehow, rather than doing these things, we have to adhere to this \$20 billion agreement. The fact is very simple: to wait is to play Russian roulette with the safety of every American.

Make no mistake about it, a great effort has been made here today to imply that Members can vote for this motion and still vote to keep the \$20 billion ceiling. Members cannot. This motion specifically instructs the conferees to accept the higher dollar amount contained in the House bill for defense funding in the supplemental. It instructs the conferees to accept the higher dollar amount for assistance to New York, which is only half of that which was originally committed by the President, and it requires the conferees to accept the higher Senate amount for homeland security.

That means that if the conferees do that, they will be required to bring back to this floor a bill which contains more than \$5.3 billion in additional security spending above the level that would be imposed by that \$20 billion artificial ceiling. Mr. Speaker, they cannot vote for this motion and then claim to be consistent with it if they bring back a bill which falls short of that \$5.3 billion add-on.

The American public wants these expenditures, the vast majority of Members want these expenditures, and the

only reason the gentleman from Florida (Mr. YOUNG) has accepted it while at the same time trying to pretend that he can still stay within that \$20 billion ceiling is because he knows that his leadership could not win a vote against this motion if they took it on. That is because most Members of Congress recognize this funding is necessary, and so do most members of the American body politic.

Mr. Speaker, this Congress did not say, Wait until next year, before it decided to give \$24 billion in 15-year retroactive tax breaks to some of the biggest companies in this country. It did not say, Wait until next year, to the people who were given multi-billion dollar tax breaks on the estate tax. But when it comes to providing more help for the FBI, more help for the Customs people, more help for our other security agencies, we are now told, Wait until next year.

Let us do it now. Vote for this motion to instruct and mean it.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this motion to instruct.

In the three months since terrorists attacked America, Congress and the American people have been called upon to make extraordinary commitments.

Our men and women in uniform are risking their lives, helping to liberate Afghanistan from the grip of al-Qaida and and root out terrorists. Ordinary citizens are making sacrifices, volunteering their time and money to help victims of terrorism. And, in the days immediately following the September 11th attacks, Congress took unprecedented action to do its part—providing \$40 billion in emergency funding to help the rescue and recovery effort, enhance our military might, and ensure the safety and security of all Americans.

Despite our best intentions, what we provided was not enough. And we know we can do better. We must do right by our military, we must do right by the American people, and we must do right by the people of New York.

In the wake of September 11th, the President made a promise to provide whatever it took to rebuild New York. And Congress made that promise law, setting aside \$20 of the \$40 billion in emergency funding for relief and reconstruction. But neither the Senate nor the House bill fulfills this promise.

The devastation in New York is not just at Ground Zero, where teams are working around the clock to recover bodies and clear away the rubble. Widows need health insurance. Laid off workers—who were just getting by—need extended unemployment benefits. Residents need checks to cover security deposits in temporary homes, and to repair their apartments. Small businesses need grants to stay solvent.

And it is not just New York that is hurting. The American people have become victims of the fear and uncertainty that terrorism breeds. And, while investments in homeland security will not allay all the fears—they will go a long way to keep our communities safe. Safe from threats to our postal system and our food and water supply. Safe from threats to our ports, borders, and our schools. It is our responsi-

bility to invest in safety both at home and abroad—providing adequate funds to ensure the superiority of our military and the security of our citizens.

It is simply wrong to force the American people to choose between homeland security and a strong national defense. And it is wrong to force us to choose between either of these and cleaning up New York.

\$40 billion will not be enough to meet all of our commitments, but we have been blocked from increasing this amount before the end of the year. I urge our conferees to maximize our investment in all of these priorities, and I hope Congress will return in January ready to do our job—to commit whatever it takes to rebuild New York, win the war against terrorism, and keep America safe.

The SPEAKER pro tempore (Mr. THORNBERRY). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This 15-minute vote will be followed by a 5-minute vote on the motion to close the conference.

The vote was taken by electronic device, and there were—yeas 370, nays 44, not voting 19, as follows:

[Roll No. 494]

YEAS—370

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehert
Boehner
Bonilla
Bonior
Bono
Boozman

Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Callahan
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer

Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson

Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Klecza
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent

Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascarelli
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds

Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—44

Burr
Cannon
Chabot
Coble
Collins
Culberson

Deal	Moran (KS)	Schaffer
DeMint	Myrick	Sensenbrenner
Doolittle	Nussle	Sessions
Duncan	Otter	Shadegg
Ehlers	Paul	Simpson
Flake	Peterson (MN)	Smith (MI)
Goode	Petri	Stearns
Goodlatte	Pombo	Tancredo
Graves	Rohrabacher	Terry
Johnson, Sam	Royce	Toomey
Jones (NC)	Ryan (WI)	Upton
Kerns	Ryun (KS)	

NOT VOTING—19

Bishop	Gonzalez	Miller, George
Buyer	Hoeffel	Pence
Camp	Hostettler	Schakowsky
Cubin	King (NY)	Wexler
Delahunt	Lowe	Young (AK)
Dooley	Luther	
Gephardt	Meek (FL)	

□ 1737

Messrs. MORAN of Kansas, SMITH of Michigan, GRAVES, DUNCAN, EHLERS, PETRI, and UPTON changed their vote from “yea” to “nay.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees:

For consideration of Division A of the House bill and Division A of the Senate amendment, and modifications committed in conference: Messrs. LEWIS of California, YOUNG of Florida, SKEEN, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY.

For consideration of all other matters of the House bill and all other matters of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Florida, LEWIS of California, and OBEY.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. LEWIS of California. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LEWIS of California moves, pursuant to clause 12 of rule 22, that conference committee meetings on the bill H.R. 3338 be closed to the public at such time as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS).

Pursuant to clause 12 of rule XXII, this vote must be taken by the yeas and nays.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 495]

YEAS—407

Abercrombie	DeFazio	Jackson (IL)
Ackerman	DeGette	Jackson-Lee
Aderholt	DeLauro	(TX)
Akin	DeLay	Jefferson
Allen	DeMint	Jenkins
Andrews	Deutsch	John
Armey	Diaz-Balart	Johnson (CT)
Baca	Dicks	Johnson (IL)
Bachus	Dingell	Johnson, E. B.
Baird	Doggett	Johnson, Sam
Baker	Doolittle	Jones (NC)
Baldacci	Doyle	Jones (OH)
Baldwin	Dreier	Kanjorski
Ballenger	Duncan	Keller
Barcia	Dunn	Kelly
Barr	Edwards	Kennedy (MN)
Barrett	Ehlers	Kennedy (RI)
Bartlett	Ehrlich	Kerns
Barton	Emerson	Kildee
Bass	Engel	Kilpatrick
Becerra	English	Kind (WI)
Bentsen	Eshoo	King (NY)
Bereuter	Etheridge	Kingston
Berkley	Everett	Kirk
Berman	Farr	Kleczka
Berry	Fattah	Knollenberg
Biggart	Filner	Kolbe
Bilirakis	Flake	Kucinich
Blagojevich	Fletcher	LaFalce
Blumenauer	Foley	LaHood
Blunt	Forbes	Lampson
Boehert	Ford	Langevin
Boehner	Fossella	Lantos
Bonilla	Frank	Largent
Bonior	Frelinghuysen	Larsen (WA)
Bono	Frost	Larson (CT)
Boozman	Gallely	Latham
Borski	Ganske	LaTourette
Boswell	Gekas	Leach
Boucher	Gibbons	Lee
Boyd	Gilchrest	Levin
Brady (PA)	Gillmor	Lewis (CA)
Brady (TX)	Gilman	Lewis (GA)
Brown (FL)	Goode	Lewis (KY)
Brown (OH)	Goodlatte	Linder
Brown (SC)	Gordon	Lipinski
Bryant	Goss	LoBiondo
Burr	Graham	Lofgren
Burton	Granger	Lucas (KY)
Callahan	Graves	Lucas (OK)
Calvert	Green (TX)	Lynch
Cannon	Green (WI)	Maloney (CT)
Cantor	Greenwood	Maloney (NY)
Capito	Grucci	Manzullo
Capps	Gutierrez	Markey
Capuano	Gutknecht	Mascara
Cardin	Hall (OH)	Matheson
Carson (IN)	Hall (TX)	Matsui
Carson (OK)	Hansen	McCarthy (MO)
Castle	Harman	McCarthy (NY)
Chabot	Hart	McCollum
Chambliss	Hastings (FL)	McCrery
Clay	Hastings (WA)	McDermott
Clayton	Hayes	McGovern
Clement	Hayworth	McHugh
Clyburn	Hefley	McInnis
Coble	Herger	McIntyre
Collins	Hill	McKeon
Combest	Hilleary	McKinney
Condit	Hilliard	McNulty
Conyers	Hinchey	Meehan
Cooksey	Hinojosa	Meeks (NY)
Costello	Hobson	Menendez
Cox	Hoekstra	Mica
Coyne	Holden	Millender-
Cramer	Holt	McDonald
Crane	Honda	Miller, Dan
Crenshaw	Hoolley	Miller, Gary
Crowley	Horn	Miller, Jeff
Culberson	Houghton	Mink
Cummings	Hoyer	Mollohan
Cunningham	Hulshof	Moore
Davis (CA)	Hunter	Moran (KS)
Davis (IL)	Inslee	Moran (VA)
Davis, Jo Ann	Isakson	Morella
Davis, Tom	Issa	Myrick
Deal	Istook	Nadler

Napolitano	Rohrabacher	Sununu
Neal	Ros-Lehtinen	Sweeney
Nethercutt	Ross	Tancredo
Ney	Rothman	Tanner
Northup	Roukema	Tauscher
Norwood	Roybal-Allard	Tauzin
Nussle	Royce	Taylor (MS)
Oberstar	Rush	Taylor (NC)
Obey	Ryan (WI)	Terry
Oliver	Ryun (KS)	Thomas
Ortiz	Sabo	Thompson (CA)
Osborne	Sanchez	Thompson (MS)
Ose	Sanders	Thornberry
Otter	Sandlin	Thune
Owens	Sawyer	Thurman
Oxley	Saxton	Tiahrt
Pallone	Schaffer	Tiberi
Pascarell	Schiff	Tierney
Pastor	Schrock	Toomey
Paul	Scott	Towns
Payne	Sensenbrenner	Trafigant
Pelosi	Serrano	Turner
Peterson (MN)	Sessions	Udall (CO)
Peterson (PA)	Shadegg	Udall (NM)
Petri	Shaw	Upton
Phelps	Shays	Velázquez
Pickering	Sherman	Visclosky
Pitts	Sherwood	Vitter
Platts	Shimkus	Walden
Pombo	Shows	Walsh
Pomeroy	Shuster	Wamp
Portman	Simmons	Waters
Price (NC)	Simpson	Watkins (OK)
Pryce (OH)	Skeen	Watson (CA)
Putnam	Skelton	Watt (NC)
Quinn	Slaughter	Watts (OK)
Radanovich	Smith (MI)	Waxman
Rahall	Smith (NJ)	Weldon (FL)
Ramstad	Smith (TX)	Weldon (PA)
Rangel	Smith (WA)	Weller
Regula	Snyder	Whitfield
Rehberg	Solis	Wicker
Reyes	Souder	Wilson
Reynolds	Spratt	Wolf
Riley	Stark	Woolsey
Rivers	Stearns	Wu
Rodriguez	Stenholm	Wynn
Roemer	Strickland	Young (FL)
Rogers (KY)	Stump	
Rogers (MI)	Stupak	

NOT VOTING—26

Bishop	Gephardt	Meek (FL)
Buyer	Gonzalez	Miller, George
Camp	Hoeffel	Murtha
Cubin	Hostettler	Pence
Davis (FL)	Hyde	Schakowsky
Delahunt	Israel	Weiner
Dooley	Kaptur	Wexler
Evans	Lowe	Young (AK)
Ferguson	Luther	

□ 1748

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3323. An act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested: